

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 12, 2004

Regulation Package 1202-28

ERRATA FOR CDSS MANUAL LETTER NO. FS-03-03

TO: HOLDERS OF THE FOOD STAMP MANUAL, DIVISION 63

Regulation Package #1202-28

Effective 8/8/03

Section 63-407

Due to errors that were made in the above referenced manual letter, please replace the pages in your manual with the attached corrected pages. We are sorry for any inconvenience this may have caused.

Attachment

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63-407	WORK REGISTRATION REQUIREMENTS (Continued)	63-407
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.4 Work Registrants Requirements

Persons registered for work under the Food Stamp Program or a program specified in Sections 63-407.21(c) or (e) shall:

- .41 Comply with the requirements of the FSET Program, as described in Section 63-407.8, when assigned by the CWD.
- .42 Respond to a request for supplemental information regarding employment status or availability for work.
- .43 Report to an employer to whom referred, if the potential employment meets the suitability requirements described in Section 63-407.7.
- .44 Accept a bona fide offer of suitable employment, as defined in Section 63-407.7.

| .5 Failure to Comply; Good Cause; Notification; and Disqualifications

- .51 The CWD shall be responsible for determining good cause in those instances where the work registrant has failed to comply with the requirements of Section 63-407.4.

In determining if good cause existed for failure to comply with any work registration or FSET Program requirements, the CWD shall consider the facts and circumstances, including information submitted by the household member involved and/or the employer. Good cause shall include circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, lack of adequate child care for children who have reached age six but are under twelve years of age [see Section 63-408.41(j)], the unavailability of transportation, or problems caused by inability of the work registrant to speak, read or write English.

- .52 Within 10 days of determining that noncompliance with any of the food stamp work registration requirements at Section 63-407.4 was without good cause as specified in Section 63-407.51, the CWD shall issue a notice of adverse action informing the household of the disqualification being imposed on the noncompliant individual. In addition to the notification requirements specified in Section 63-504.21, the notice shall contain a description of the act of noncompliance, identify the minimum length of the food stamp disqualification and specify that if at any time the individual becomes exempt in accordance with Section 63-407.21, the disqualification shall end. Information describing the action that can be taken to avoid the ineligibility before the disqualification period begins must be included on or with the notice. The notice shall specify that the individual, if otherwise eligible, may apply for food stamp benefits at the end of the disqualification period.

63-407	WORK REGISTRATION REQUIREMENTS (Continued)	63-407
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- .521 Each individual has a right to a state hearing to appeal a denial, termination or reduction of benefits due to a determination of nonexempt status, or a determination of failure to comply with the work registration or FSET Program requirements. Individuals can appeal actions such as exemption status, the type of requirement imposed, or CWD refusal to make a finding of good cause. If a state hearing is scheduled, the CWD shall provide sufficient advance notice to permit the availability, either in person or by phone as appropriate, of a representative of the component operator, if it is anticipated that such attendance will be necessary.

HANDBOOK BEGINS HERE

- .522 The recommended CDSS developed form to use for notification of disqualification actions is the DFA 377.10.

HANDBOOK ENDS HERE

- .53 For purposes of determining the appropriate disqualification to apply, the CWD shall count any previous sanctions and/or disqualifications imposed on an individual for failing to comply with the provisions of work registration in Section 63-407.4; unemployment, CalWORKs welfare-to-work, and other substitute work programs in Section 63-407.54; and voluntary quit and reduction of work effort in Section 63-408. If the individual qualifies for one of the exemptions listed at Section 63-407.21 during the minimum disqualification period identified in Sections 63-407.531, .532 or .533, the disqualification shall end and the individual may reestablish receipt of food stamps without reapplying if otherwise eligible.
- .531 The minimum duration of the first food stamp disqualification is one month.
- .532 The minimum duration of the second food stamp disqualification is three months.
- .533 The minimum duration of the third or subsequent food stamp disqualification is six months.
- .54 When an individual is sanctioned for failing to comply with the work requirements of a program as specified in Section 63-407.21(c) (Welfare-to-Work), Section 63-407.21(e) (Unemployment Compensation), Section 63-407.23 (Substitute Programs), or Section 63-407.24 (CalWORKs Unpaid Community Service and Work Experience), the individual shall also receive a Food Stamp sanction in accordance with Section 63-407.5.
- .541 The individual shall be notified of the disqualification as specified in Section 63-407.52.